

1894-012 Chancery Causes: George McMillan & Co] vs. W. C. Herndon &  
Lee Co.

McMillan, George, Treadwell, Parsons, Woodward, Stapleton, Pennington

CA-Debt

T-Property



\* And on the day of 1893 W. P. Wood who filed the note of the said W. C. & Co. E. Herndon for the sum of \$41.46 & dated Aug 5<sup>th</sup> 1893, T. J. D. & Co. 1<sup>st</sup> 1893 assigned the same for value consideration to your orator, the same note which is here filed marked "Mole" & prayed to be taken in part of this bill.

To the Hon. H. S. K. Morrison Judge  
of the Circuit Court for S. C.

Humbly Claiming, your orators  
S. H. George, John A. McMillan and  
A. M. Snadwell merchants trading  
under the partnership name and  
style of George McMillan & Company  
respectfully represent unto your  
Honor that at his special instance  
and request on the day of July  
1893, in the City of Knoxville, they  
sold and delivered to H. C. Herndon,  
who was then doing a mercantile  
business in Six Aunty, T. J., a quanti-  
ty of goods, wares and merchandise  
amounting in the aggregate to the  
sum of \$98.20; that again on the  
30<sup>th</sup> day of October, 1893 at his spe-  
cial instance and request your ora-  
tors sold and delivered another quan-  
tity of goods, wares and merchan-  
dise to said Herndon amounting  
to the sum of \$62.70; that said first  
named sum of money became due  
your orators on the day of  
1893 and the last named sum will  
become due and payable on the 30<sup>th</sup>  
day of December, 1893; that all of said  
goods, wares and merchandise were  
shipped to said Herndon to the Sta-  
tion at Drumington Gap, T. J. as he di-  
rected \* that at the time your ora-



tons sold said Herndon said goods,  
& at the time said Wood arranged said <sup>for 4140</sup> state for  
wares & merchandise, the records  
of the County Court of Lee County, Va.  
show him to be and he represented  
himself to be the owner in fee of a  
large quantity of land lying and be-  
ing in Lee County in the Pocket and  
Crab Orchard Country and he was  
then in the possession of the same  
using, occupying and claiming it  
as his own.

Your orators will further show  
unto your honor that the said last  
named bill of goods, together with  
all the goods he had on hands, and  
also goods purchased and shipped  
about the same ~~from~~ other  
merchants and a large number  
of Cattle were <sup>in 1893</sup> about the  
10th of November turned over by  
said Herndon to his brother John  
P. Herndon and his father Sarsen  
Herndon who are now in the posses-  
sion of the same seeing and dispos-  
ing of them; that said John P. & Sarsen  
Herndon allege they bought said goods,  
and Cattle on debts which said  
W.C. Herndon owed them. Your ora-  
tors do ~~not~~ not believe this to be  
a bona fide, fair and honest trans-  
action, but a transaction made  
and entered into with the intent to



hinder, delay and defraud the Creditors of said W.C. Herndon and they so allege it, and that said John B. and Larkin Herndon colluded with said W.C. Herndon to defraud his Creditors.

Your orators will again show unto your honor that at the time they sold said goods to said W.C. Herndon they believed him to be the true and only owner of these tracts of land conveyed by Larkin Herndon and John B. Pennington. Tobias Hughes, the heir of Charles Pennington died and John C. Stapleton the deeds of these parties then being on record in the County Court Clerk's office and said Herndon being in the possession of the same; Copies of which deeds are here filed marked "A" "B" "C".

Your orators will again show unto your honor, that both of said sums of money are yet due and unpaid; that on or about the 10<sup>th</sup> of Nov., 1893 said W.C. Herndon absconded this state taking with him it is said some of his effects; that on the 10<sup>th</sup> day of Nov. 1893 one David P. Parsons lodged & had put on record in the County Court Clerk's office <sup>of this County</sup> a deed from said Herndon & wife dated &c.



knownedged on March 14<sup>th</sup> 1893,  
Conveying all his said land to said  
Parsons in consideration of \$5000<sup>00</sup>  
in hand paid, that lies on the north-  
ern side of the north fork of Powell  
river except the Stapleton tract.  
At the time they sold said goods to  
said Herndon they had no notice  
whatever of the existence of said  
debt, the same not being <sup>but</sup> of record  
until after their said debts were made  
with said Herndon. They are advised  
that said debt as to them is void.

Your orators will further  
show unto your honor that on  
said Herndon's land that lies on the  
Southern side of said river on Nov.  
10<sup>th</sup> 1893 he executed a paper  
which on the same day was recorded  
purporting to give one J<sup>m</sup> Woodward  
a lien for \$675<sup>00</sup>. Your orators al-  
lege that this lien was without  
a consideration deemed valuable  
in law and was made to defraud  
hinder and delay the creditors of  
said Herndon in the collection  
of their debts.

The premises considered your  
orators are advised that on proof  
that said lien of \$675<sup>00</sup> attempted to be  
made is without a valid considera-  
tion is void as to your orators, that



likewise the transaction between  
said H. C. Hudson and John P. &  
Larkin Hudson is void, and that  
said deed of March 14<sup>th</sup> 1893 is  
as to your orators void.

The prayer therefore of your  
orators is that H. C. Hudson,  
John P. Hudson, Larkin Hudson  
David P. Parsons and <sup>John C. Stapleton</sup> H. Woodward and  
<sup>Cynthia E. Hudson</sup> be made parties to this bill; that they  
each be required to answer fully &  
completely this bill on oath; that  
H. Woodward answer for what said  
H. C. Hudson owed him, the amount  
thereof and where he got the money  
or its equivalent to let him have;  
that David P. Parsons also an-  
swer when and how he paid said  
H. C. Hudson said \$5000<sup>00</sup>, where  
he got his money or its equivalent  
with which to pay said Hudson said  
\$5000<sup>00</sup>; the affidavit having been  
made and here filed marked "Affi-  
davit" in the manner required by  
section 2964 of Code of 1887, your  
orators further prayer is that said  
real estate or enough thereof be  
attached and held subject to future  
orders of the Court; that all of said  
fraudulent transactions be annulled  
and set aside; that said John P. and  
Larkin Hudson answer what the



invoice of all goods turned over to  
- them amounted to, what the price was  
they agreed to pay for said cattle and  
feed and when they paid for the same,  
that on a final hearing of this  
Cause a judgement be granted  
your orator for said sums of money  
that said debt to said Parsons be  
annulled and the land attempted  
to be conveyed thereby be made subject  
to their said debt. And that an  
order of Publication be made as the  
law requires against said H. C. Handen  
& Cynthia L. Handen  
who are now residents of this State.

And that all other, further and  
general relief be granted your  
orator as the nature of this Cause  
may require. There are no liens  
on any of said land other than that  
of said Woodward and that re-  
served in said Stapleton deed, <sup>which</sup> has  
long ago been paid. And they  
will ever pray &c. May justice  
issue &c

Pennington Brog  
per J.



1st Jan'y 1894

George W. Millan & Co  
vs Billie Chan

H. C. Herndon et al

1894 1st Jan'y Rules Bill  
filed Sp. in D. on home depts ord Pub  
for nonresidents and D. N vs Home depts  
" 2nd Jan R - D. N for home depts confd  
" 1st Feb'y Rules Court for ord Pub  
" 2nd " " ord Pub - complete + 3rd for  
hearing by Plff  
June Term Decree & costs

C 894  
S 250  
W. M 250  
R. P 75-  
Printer 500  
Co C 575-  
Atty 1800,  
\$40.44

Defts Costs  
C 160

Hamington Bros. & Co





41 <sup>40</sup>/<sub>100</sub>

Aug 5<sup>th</sup> 1893

By see 1<sup>st</sup> / 893 after date <sup>we</sup> I promise to pay to the order of **W. P. Wood**

Forty One Dollars and Forty Cents, for

value received, and <sup>we</sup> I hereby waive the benefit of our Homestead and personal property

exemptions as to this debt. Witness our hand <sup>s</sup> and seal.<sup>s</sup>

W. C. Henderson SEAL.

W. C. Henderson SEAL.



For valuable consid-  
eration I assign  
the within note to  
George. M. Miller, Co  
N. P. Road

"Note"



State of Tennessee, County of Knox.

Personally appeared before the undersigned, a Notary Public in and for said County,  
duly commissioned and sworn *Charles W. Juby*

to me well known, and made oath in due form of law, that the within account against

*W. C. Herndon*  
amounting to *One hundred and Sixty one* <sup>40</sup>/<sub>100</sub> Dollars,

*is justly due* *George McMillan & Co.* *with interest on \$98.20 from Nov 1st 1893*  
*\* and a/c 2.70 from Dec 30, 1892 -*

of which firm he is *Book-keeper* after the allowance of all credits

to which the said *W. C. Herndon* are entitled as  
he verily believes. *Charles W. Juby*

[SEAL.]

Subscribed and sworn to before me this *18th* day  
of *November* 189*3*

*J. H. H. H. H.*  
Notary Public.



S. H. GEORGE,  
JOHN A. McMILLAN,  
A. M. TREADWELL.

Knoxville, Tenn. July 11 1897

Wm C Herndon

Cynthia

TERMS:

10 Days, less 6%.  
30 Days, less 5%.

Interest Charged After Maturity.

Bought of GEORGE, McMILLAN & CO.

WHOLESALE

NOTIONS AND GENTS' FURNISHING GOODS,

GAY STREET.

Shipped Via

172	3	g	Pants	9 <sup>00</sup>	27	
350	2	g		12 <sup>00</sup>	24	
5206	1				15	
	4		Kemp Thread 200 yds	25	1	
	4		" 500	50	2	
	10		Parker Bros.	18	1	80
	1		Barbours			40
	1		Lenox 200 yds			75
	1		Serrano Silk			45
	10		Spool Thread	45	4	50
	4		1/2 hose	40	1	60
504	3		"	65	1	95
Premium	3		"	75	2	25
410	1		"			75
777	3		"	1 <sup>25</sup>	3	75
	1 1/2		Hair Pins	60	1	15
380	1		Ido hose			75
808	1		"			75
	1		Gn Dress Buttons			75
	1		Coat			50
3211	1	g	Suspenders		2	
1274	1		Shirts		4	50
Box Dray					60	98 20

October 30 1897

400	1/2	g	Laund. Shirts	9 <sup>00</sup>	4	50
300	1/2		"	6 <sup>50</sup>	9	75
700	1/2		"	9 <sup>00</sup>	4	50
500	1/2		"	9 <sup>00</sup>	4	50
204	1		oshirts		6	
536	1		"		4	
107	1		"		2	50
1250	1		"		6	
1304	1		"		9	
23	2		undershirts	3 <sup>50</sup>	7	50
BS	1		"		2	
5B930	1		Braces		6	
600	1		Ido hose		2	
8743	1		Hose		75	62 70
Box Dray						160 70
Notary fee						50
						161 40



Geary M<sup>o</sup> Miller & Co  
vs. } Verified Account-  
H. C. Hendon  
\$161.40



To the Honorable H.S.K. Morrison, Judge of the Circuit Court of Lee County, Virginia:

The separate answer and demurrer of John P. Herndon to a bill in chancery exhibited against him and others in this honorable court by S. H. George, John A. McMillan and A.M. Treadwell, partners trading under the name and style of George McMillan & Co.

Respondent says that the complainant's bill is not sufficient in law to call upon him to answer it in this honorable court, but that there is good cause of demurrer thereto, and he demurs accordingly, and prays judgement of his said demurrer. And not waiving said demurrer but relying and insisting thereon, should other and further answer be required of him answering he says:

That he has filed his answer to a bill in chancery exhibited against him in this honorable court by Powers Little & Co., he has also filed his answer to a bill in chancery exhibited against him and others in this honorable court by Cowan McCune & Co., and he has also filed his answer to a bill in chancery exhibited against him and others in this honorable court by Berry Gilliam & Co. all of which causes are still pending in this honorable court, and all have a common purpose with the bill filed by complainants, and contain almost identically the same allegations except as to the amount claimed, and are all against identically the same persons. Respondent refers to said answers and adopts them as a part of this his answer in this case, and asks that they may be treated as such. And now having answered said bill as fully as he is advised it is material that he should answer it he prays to be hence dismissed with his costs &c.

*Duncan K. Hyatt p.d.*

*Sworn to before me this 5th day of March 1894*

*by John P. Herndon*

*C. B. Muncy Clerk*



Ob

W.C. Herndon et als.

Ads. { Separate answer and  
Demurrer of John P.  
Herndon, one of the  
defendants.

George McMillan & Co.

Duncan & Hyatt, p.d.

Filed in open court March  
the 9th 1894  
At 3 Munsey clerk



To the honorable H.S.K. Morrison, Judge of the Circuit Court of Lee County, Virginia:

The separate answer and demurrer of Larkin Herndon, to a bill in chancery exhibited against him and others in this honorable court by S. H. George, John A. McMillan and A.M. Treadwell, partners trading under the name and style of George McMillan & Co.

Respondent says that the complainant's bill is not sufficient in law to call upon him to answer it in this honorable court, but that there is good cause of demurrer thereto, and he demurs accordingly, and prays judgement of his said demurrer. And not waiving said demurrer but relying and insisting thereon, should other and further answer be required of him answering he says:

That he has filed his answer to a bill exhibited against him and others in this court by Powers Little & Co., he has also filed his answer to a bill in chancery exhibited against him and others in this honorable court by Cowan McClung & Co., and he has also filed his answer to a bill in chancery exhibited against him and others in this honorable court by Berry Gilliam & Co., all of which causes are still pending in this honorable court, all have a common purpose with the bill filed by complainants and contain almost identically the same allegations except as to the amount claimed, and are against identically the same persons. Respondent refers to said answers and adopts them as a part of his answer in this case, and asks that they may be treated as such. And now having fully answered complainants bill, or as fully as deemed material he should answer, he prays to be hence ~~to be~~ dismissed with his costs. &c.

*Duncan H. Lyatt, Jr.*

*Sworn to before me this the 8th day of March 1874  
by Larkin Herndon*

*A. J. Mansey Clerk*



106  
W.C. Hernon et. als.

Ads. Separate answer and  
murder of Larkin Hern-  
don one of the defend-  
ants.

George McMillan & Co.

Duncan & Hyatt, p.d.

*Filed in open court March 9  
1894  
A.B. Murray Clerk*



George, W. M. Millan & Co. Compt's

vs. } In Chancery

H. C. Herndon et al. Defts.

The depositions of A. M. Bradwell taken before me  
A. Y. Burrows a notary public  
in and for the County of Knox  
and State of Tennessee, pursuant  
to notice hereto annexed at the  
office of said George, W. M. Millan  
& Company at 402 Gay street in the  
city of Knoxville in the said County  
& State, on the 1<sup>st</sup> day of February  
1894 to be read as evidence in be-  
half of said George W. M. Millan & Co.  
in a certain suit in Chancery now  
pending in the Circuit of the  
County, Virginia, wherein W. M. C.  
Herndon, John P. Herndon, Parker  
Herndon, David P. Parsons, W. M.  
Thompson and John C. Stapleton  
are defendants and S. H. George,  
John A. W. Millan & A. M. Bradwell  
are plaintiffs

The witness A. M. Bradwell  
being duly sworn deposes as  
follows to wit:

Ques 1<sup>st</sup> Please state your name



age, residence & occupation  
Ans. A Mr. Chreadwell Thirty Nine Knoxville.  
Term. Wholesale Notions.

Ques. Is or not the deft. H. C. Henderson  
indebted to the plaintiffs in this  
suit: and for what?

Ans. Yes as per invoice attach marked X &  
filed as part answer to this question

Ques. 3. What is the amt. of said in-  
debtedness, and when did or  
will it become due?

One Hundred Sixty &  $9\frac{20}{100}$  <sup>dollars</sup> (\$160 $\frac{20}{100}$ ) Ninety eight-  
&  $\frac{20}{100}$  <sup>dollars</sup> (\$98 $\frac{20}{100}$ ) of which sum was purchased by  
defendant- W. B. Henderson from said Plaintiffs  
on July 11<sup>th</sup> 1893. & due & payable Nov 1<sup>st</sup> 1893  
& Sixty Two &  $7\frac{20}{100}$  <sup>dollars</sup>, remainder of said sum  
\$160 $\frac{20}{100}$  was likewise purchased <sup>by said</sup> by W. B. Henderson  
from said Plaintiffs on Oct-30<sup>th</sup> 1893 which  
sum will become due & payable March 1<sup>st</sup> 1894.

Ques. 4 How were said purchases made  
in person or on order?

Ans. were made in person.

Ques. 5 Are said sums of money still  
owing to said plaintiff?

Ans. Yes Mr. rather of

Ques. At the time, the said purchases  
were made, did said H. C. Henderson  
or not represent himself the  
owner in



owner of any Real Estate. if  
no where and how much?

~~When said in City Knoxville~~

When said Hendren was in City Knoxville  
on or about - July 11<sup>th</sup> 1893 he represented to  
me that he was the owner in Lee County  
Va a large boundary of Land & I believed him  
to be the owner of said land untill Nov 18<sup>th</sup>  
1893 when we were informed by an atty<sup>y</sup>  
in Lee Co that said Hendren on March 14<sup>th</sup>  
had conveyed to one David P. Parsons, a greater  
portion of said land. at-time said sales  
were made to said Hendren. said Plaintiffs  
had no notice or intimation of the existence  
of said deed of conveyance of Mar: 14<sup>th</sup> 1893  
to said Parsons. & at-that time they believed  
him to be the owner of said land which  
he represented himself to own

Ques. 7 What was your connection  
with said plaintiffs at the  
time said goods were sold to  
said Hendren?

I was at-that time a Partner & for the  
firm looked after the assets & Liabilities of Customers.  
of said Plaintiffs

Ques. 8 Had you known or had any idea  
of the existence of said deed of  
March 14<sup>th</sup> 1893 & mentioned in said



bill of said plaintiff, would have  
or not extended to said Herndon  
credit, and sold him said goods  
mentioned in exhibit "X" filed  
with your depositions.

Ans.

I would not

And further this deponent  
saith not.

A. M. Chadwell

~~Sumner~~

County of Knox, to wit:

I A. G. Burrows a notary  
public for the County of Knox  
in the said State do hereby certify  
that the foregoing depositions of  
A. M. Chadwell were duly taken  
sworn to and subscribed before me  
at the time & place and for the  
purposes mentioned therein.

Given under my hand and  
seal this the 1<sup>st</sup> day of February, 1874.

A. G. Burrows, Notary Public



George M. Wilson & Co

AGAINST

W. C. Herndon et al

To W. C. Herndon. Larkin Herndon. John P. Herndon Wm Woodward

David P. Parsons and John C. Stapleton

of February 1894 Take notice that on the 12th day

At 40 1/2 South Street in the City of Washington at the office of George M. Wilson & Co

County, State of District of Columbia I will proceed to take the deposition of John P. Herndon

as a witness to be read as evidence on behalf of J. H. George, J. H. Herndon

A. M. Broadwell partners in business under the

style name of George M. Wilson & Co

in a certain suit in Equity now pending in the Circuit Court of Lee

County, State of Virginia wherein said George M. Wilson & Co are

Plaintiff and you and each of you are Defendants And if from any

cause the taking of said deposition is not begun on that day, or being begun not complete, the same will be

continued from day to day or from time to time and if desired from place to place, until the same are complete. You

may attend and cross-examin if you wish.

February 11 1894

Very Respectfully, George M. Wilson & Co

per Frederick Boos

Counsel



H.C. - 1841



George M. Millan & Co.

AGAINST

W. C. Herndon et al

To W. C. Herndon. Larkin Herndon. John P. Herndon Wm Woodward

David P. Parsons and John C. Stapleton

Take notice that on the 1st day

of February 1894

at the office of George M. Millan & Co.

County, State of Virginia

I will proceed to take the deposition of S. H. George

to be read as evidence on behalf of S. H. George, J. A. M. Millan &

A. M. Broadwell partners doing business under  
the style name of George M. Millan & Co

in a certain suit in Equity

now pending in the Circuit Court of Lee

County, State of Virginia wherein said

George M. Millan & Co are

Plaintiff and you and each of you are Defendants And if from any

cause the taking of said deposition

not begun on that day, or being begun not complete, the same will be

continued from day to day or from time to time and if ~~it is~~ place to place, until the same are complete. You

may attend and cross-examine if you wish.

January 4 1894

Very Respectfully,

George M. Millan & Co  
per Pennington Bros.  
Cornish



George W. Milburn & Co  
vs } No. 1 to 10  
Dep. 1

W. C. Huntington et al

Executed on the 12<sup>th</sup> day of  
January, 1894 by delivering  
a copy of the within notice  
to each of the following named  
persons, to wit: John P. Hen-  
dri, Lillian Sherriden, Wm  
Woodward, David P. Parsons  
& John C. Stapleton

W. C. Huntington

Virginia, La County, to wit:

The foregoing foregoing  
return signed by Wm. C.  
Huntington was this day  
sworn to by him before me  
in my county aforesaid.  
Given under my hand  
this Jan. 13<sup>th</sup> 1894.

E. W. Pennington  
Notary Public



Knoxville, Tenn., July 11 1892

Wm. C. Herndon & Co.

Cynthia 7a

S. H. GEORGE.  
A. M. TREADWELL.  
JOHN A. McMILLAN.

Bought of **GEORGE, McMILLAN & CO.**

WHOLESALE

Interest charged after Maturity.

**Notions and Staple Dry Goods,**

Terms:.....

196, 198 AND 200 GAY STREET.

172	3	J. J. J. J. J.	9 <sup>00</sup>	27		
350	2		12 <sup>00</sup>	24		
5206	1			15		
	4	200 yds Kenix Thread	25	100		
	4	500 .	50	2		
	10	Parkers	18	180		
	1	Barbours		40		
	1	Leaver		75		
	1	Long Sack		45		
	10	Spool Thread	45	450		
	4	1/2 hose	40	160		
504	3		65	195		
Premium	3		75	225		
410	1			75		
777	3		125	375		
	1 1/2	hair Pins	60	115		
380	1	Eds hose		75		
808	1			75		
	1	Gr Dress Bkts		75		
	1	Coat		50		
3211	1	Suspenders		2		
1274	1	Shorts		450		
		Case & Dray		60	98	20
		October 30 1893				
400	1/2	J. Laund. Suits	9 <sup>00</sup>	450		
300	1/2		6 <sup>50</sup>	975		
700	1/2		9 <sup>00</sup>	450		
500	1/2		9 <sup>00</sup>	450		
204	1	overshirts		6		
536	1			4		
107	1			250		
1250	1			6		
1304	1			9		
23	2	reshirts	35	70		
B.S.	1			2		
SB930	1	Braces		600		
600	1	Eds hose		2		
8043	1	H & Kfs.		75		
		Can Dray		50	127	0
		Notion for Count Cards	3 <sup>00</sup>		350	
					164	40



1025



George McMillen & Co  
vs Depositions

W. L. Herndon

Received by mail Feby  
the 6th in good order and  
filed this the 6th 1894

A. B. Munnay Clerk

Fee of Notary for  
Taking these  
Depositions \$5.00

A. Y. Burroughs  
Notary Public



Virginia, Rock County, to wit:--

This day E. W. Dunnington agent for  
S. H. George John, A. M<sup>c</sup> Miller, & A. M. Readwell  
parties in trade under the style & firm of George M<sup>c</sup> Miller & Co  
plaintiffs in a certain chancery cause now pending in the circuit  
court for Rock County against W. C. Herndon it is to re-  
cover a certain debt from said Herndon, personally appear-  
ed before me H. G. Hyatt a notary public in and for  
the said county of Rock & State of Va and in  
my county aforesaid did make oath that 1<sup>st</sup> he verily  
believes the said plaintiff's claim is just, 2<sup>nd</sup> that  
he believes the said plaintiff is entitled to and ought  
to recover at least in the said suit against said Her-  
ndon a debt for the sum of ~~\$98.20~~ <sup>\$98.20</sup> from Nov. 1<sup>st</sup> 1893 - and also  
for the sum of ~~\$101.80~~ <sup>\$101.80</sup> with interest ~~from~~  
~~\$62.70~~ <sup>\$62.70</sup> from Dec. 30 1893 + ~~from~~ <sup>from</sup> ~~\$41.40~~ <sup>\$41.40</sup> from Dec. 1<sup>st</sup> 1893 and all ~~therein~~  
3<sup>rd</sup> that to the best of the plaintiff's  
belief said W. C. Herndon is not a resident of the State  
of Va but has effects therein in the county of Rock  
4<sup>th</sup> that said Herndon has converted, is converting,  
is about to convert his property or some material  
part thereof into money securities & evidence of debt with the  
intent to hinder, defraud, & delay his creditors, & 5<sup>th</sup> that  
said Herndon has assigned & disposed of & is about to  
assign & dispose of his estate or some part thereof with the  
intent to hinder, defraud & delay his creditors & especially  
George M<sup>c</sup> Miller & Co Given under my hand this 1<sup>st</sup> day  
of Dec 1893 -

E. W. Dunnington



George W. Miller & Co

V.S. { Affidavit

M. W. Munson (3)

Filed Dec 7th 1894

A B Munsey clerk



The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon

*W. C. Herndon*

*Parkin Herndon John P  
Herndon, David P. Parsons  
William Woodwards, and  
John C. Stophen.*

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held  
for the said Court on the *10th* Monday in *January*, 189*4*, to  
answer a bill in Chancery, exhibited against *them* in our said court by

*J. H. George John H. McMiller  
J. H. Broadwell partners in trade  
under the style & name of George  
McMiller & Co.*

And have then there this writ.

Witness, A. B. MUNSEY, Clerk of our said Court, at the

court-house, the

*8*

day of

*Dec*

189*3*, and in the

*118*

year of the Commonwealth.

*A. B. Munsey*

Clerk.



The proper affidavit having been made and filed the officer executing this summons is directed to attach the following real estate of W. C. Herndon, all of which lies in Lee Co., Va., in the Craborchard consisting of two tracts, the first of which is now in the hands of David P. Parsons and bounded as follows to-wit: Beginning at a stake on the North bank of the North Fork of Powell's river at the mouth of Reed's creek; thence eastwardly with the meanderings of the said river to the McCradia line, thence N. 38 W. --- po to a gum 2 chestnuts and a spanish oak corner to A. J. Bailey's land, and with lines of same N. 24 W. 28 po, to a White oak and Chestnut, thence N. 35 W. 42 po, to 3 White oaks, thence N. with Parker's line to Jones creek, and with said creek to Joseph Marcum's corner, thence Southwardly with said Marcum line to A. K. DeBusk's corner, thence with his several lines and corners to Alfred Johnson's land formerly Samuel Parson's land, thence with lines and corner of said Parson tract to James Quillen's land, thence with his lines and corner to Mathew Zion land, thence with his lines and corner to Lawsons land thence with his lines and corner to the beginning. The 2nd of which tracts is now in the hands of Wm. Woodard, and embraces that land described in deed of July 20th 1889 of Larkin Herndon and John B. Pennington to said W. C. Herndon and which is recorded in Deed Book No 25-163.

*W. C. Herndon*

*George McMillen & Co*

vs. }

SUBPOENA  
IN CHANCERY.

*W. C. Herndon et als*

*Pennington Prop. q.*

To *1st January* 1894 Rules,  
Circuit Court.

Executed Dec. 3 1893 by delivering an office copy of the within subpoena in chancery and attachment to John P. Herndon, Larkin Herndon, John C. Stapleton, Wm. Woodward and David P. Parsons and not executed as to W. C. Herndon also by attaching on the following real estate of W. C. Herndon described as follows: all of which lies in Lee Co., Va., in the Craborchard consisting of two tracts, the first of which is now in the hands of David P. Parsons and bounded as follows to-wit: Beginning at a stake on the North bank of the North Fork of Powell's river at the mouth of Reed's creek; thence eastwardly with the meanderings of the said river to the McCradia line, thence N. 38 W. --- po to a gum 2 chestnuts and a spanish oak corner to A. J. Bailey's land, and with lines of same N. 24 W. 28 po, to a White oak and Chestnut, thence N. 35 W. 42 po, to 3 White oaks, thence N. with Parker's line to Jones creek, and with said creek to Joseph Marcum's corner, thence Southwardly with said Marcum line to A. K. DeBusk's corner, thence with his several lines and corners to Alfred Johnson's land formerly Samuel Parson's land, thence with lines and corner of said Parson tract to James Quillen's land, thence with his lines and corner to Mathew Zion land, thence with his lines and corner to Lawsons land thence with his lines and corner to the beginning. The 2nd of which tracts is now in the hands of Wm. Woodard, and embraces that land described in deed of July 20th 1889 of Larkin Herndon and John B. Pennington to said W. C. Herndon and which is recorded in Deed No 25-163.

*D. B. Pennington, J. C.*



The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon

*William C. Alexander*  
*Spencer Alexander, John P*  
*Alexander, David T. Parsons*  
*William Woodward and*  
*John W. Stoughton*

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held  
for the said Court on the *10<sup>th</sup>* Monday in *June*, 189*4*, to  
answer a bill in Chancery, exhibited against *them* in our said court by

*S. S. George, John A. M. Miller*  
*and A. M. McDowell, partners in*  
*trade under the style of*  
*George M. Miller & Co*

And have then there this writ.

Witness, A. B. MUNSEY, Clerk of our said Court, at the  
court-house, the *8* day of *Dec*, 189*4* and in the *118*  
year of the Commonwealth.

*A Copy Teste*

*A B Munsey Clerk*

*A B Munsey* Clerk.



The proper affidavit having been made and filed the officer executing this summons is directed to attach the following real estate of W. C. Herndon, all of which lies in Lee Co., Va., in the Craborchard consisting of two tracts, the first of which is now in the hands of David P. Parsons and bounded as follows to-wit: Beginning at a stake on the North bank of the North Fork of Powell's river at the mouth of Reed's creek; thence eastwardly with the meanderings of the said river to the McCradia line, thence N. 38 W. --- po to a gum 2 chestnuts and a spanish oak corner to A. J. Bailey's land, and with lines of same N. 24 W. 28 po, to a White oak and Chestnut, thence N. 35 W. 42 po, to 3 White oaks, thence N. with Parker's line to Jones creek, and with said creek to Joseph Marcum's corner, thence Southwardly with said Marcum line to A. K. DeBusk's corner, thence with his several lines and corners to Alfred Johnson's land formerly Samuel Parson's land, thence with lines and corner of said Parson tract to James Quillen's land, thence with his lines and corner to Mathew Zion land, thence with his lines and corner to James Quillen's land, thence with his lines and corner to the beginning. The 2nd of which tracts is now in the hands of Wm. Woodard, and embraces that land described in deed of July 20th 1889 of Larkin Herndon and John B. Pennington to said W. C. Herndon and which is recorded in Deed Book No. 25-163.

*A. B. Munsey Clerk*

US.

**SUBPOENA  
IN CHANCERY.**

p. q.

To

Rules,

Circuit Court.

Executed Dec., 1883 by delivering an office copy of the within subpoena in chancery and attachment to John P. Herndon, Larkin Herndon, John C. Stapleton, Wm. Woodard and David P. Parsons and not executed as to W. C. Herndon also by attaching on the following real estate of W. C. Herndon described as follows: Beginning at a stake on the North all of which lies in Lee Co., Va., in the Craborchard consisting of two tracts, the first of which is now in the hands of David P. Parsons and bounded as follows to-wit: Beginning at a stake on the North bank of the North Fork of Powell's river at the mouth of Reed's creek; thence eastwardly with the meanderings of the said river to the McCradia line, thence N. 38 W. --- po to a gum 2 chestnuts and a spanish oak corner to A. J. Bailey's land, and with lines of same N. 24 W. 28 po, to a White oak and Chestnut, thence N. 35 W. 42 po, to 3 White oaks, thence N. with Parker's line to Jones creek, and with said creek to Joseph Marcum's corner, thence Southwardly with said Marcum line to A. K. DeBusk's corner, thence with his several lines and corners to Alfred Johnson's land formerly Samuel Parson's land, thence with lines and corner of said Parson tract to James Quillen's land, thence with his lines and corner to Mathew Zion land, thence with his lines and corner to James Quillen's land, thence with his lines and corner to the beginning. The 2nd of which tracts is now in the hands of Wm. Woodard, and embraces that land described in deed of July 20th 1889 of Larkin Herndon and John B. Pennington to said W. C. Herndon and which is recorded in Deed No. 25-163.



In the Clerk's Office of the Circuit Court of the County of  
*Lee* on the *1st* day of *January* 1894.

against *George McMillen & Co*

Plaintiff

*In Chancery*

*W. C. Herndon et al*

Defendant

The object of this suit is to *1st to set aside and annul the deed of W. C. Herndon to his wife to David P. Parsons dated March 14th 1893; 2nd to set aside and annul the deed made by W. C. Herndon & wife to Wm. Woodward dated Novr 10th 1893; 3rd to annul the transfer of goods & chattels made by W. C. Herndon to John P. T. Larkin Herndon on or about Novr 10th 1893 and 4th that a judgment be given in favor of the Plaintiff against the defendants for the amount mentioned in the bill & the same be satisfied out of the said property there by recovered.*  
And an affidavit having been made and filed that the defendants *W. C. Herndon and Cynthia Herndon* are

not a resident of the State of Virginia, it is ordered that *he* do appear here, within *fifteen days* after due publication hereof, and do what may be necessary to protect *his* interest in this suit. And it is further ordered that a copy hereof be published once a week for four weeks in the *Lee County Republican*, and that a copy be posted at the front door of the court-house of this *County* on the first day of the next term of the *County* Court.

A copy—Teste:

*Pennington Bros* p. q.

*A. B. Munsey* Clerk.



George Millan & Co

vs. }

ORDER OF  
PUBLICATION.

W. L. Herndon et al  
I A. B. Munsey clerk of  
the circuit court of  
Lee County do certify  
that I delivered the  
within order to the  
Lee County Republican  
for publication and  
posted a copy thereof  
at the front door of  
the court house at the  
January term 1894 of  
the county court  
A. B. Munsey clerk



In the Clerks Office of the Circuit Court of the county of Lee on the 1st day of January 1894.

George McMillen & Co. Plff

against

In Chan'y

W. C. Herndon et al. Deft

The object of this suit is to 1st to set aside and annul the deed of W. C. Herndon and wife to David P. Parsons dated March 14th 1893; 2nd to set aside and declare void the deed made by W. C. Herndon and wife to Wm Woodward dated Nov. 10th 1893; 3rd to annul the transfer of goods and chattels made by W. C. Herndon to John P. and Larkin Herndon on or about Nov'r 10th 1893; and 4th that a judgment be given in favor of the plffs against the defts for the amount mentioned in the bill and the same be satisfied out of the said property thereby conveyed-

And an affidavit having been made and filed that the defendants W. C. Herndon and Cynthia Herndon are not a resident of the State of Virginia, it is ordered that he do appear here, within fifteen days after due publication hereof, and do what may be necessary to protect his interest in this suit. And it is further ordered that a copy hereof be published once a week for four weeks in the Lee County Republican, and that a copy be posted at the front door of the court house of this county on the first day of the next term of the county court.

A copy--Teste:

A. B. Munsey Clerk

Pennington Bros. p q

M. P. Dryden & Sons pub

isher of the LEE COUNTY REPUBLICAN a weekly newspaper, published in the town of Jonesville, county of Lee, and State of Virginia, do hereby certify that the foregoing Order of Publication was duly published in the above named paper for four successive weeks, ending the

1st day of Febr 1894.

per Sam L. Dryden  
Publisher, LEE COUNTY REPUBLICAN